To Whom It May Concern:

Due to recent events and visits from OSHA and IDEM (Indiana Department of Environmental Management), we have taken a step back and looked at our acceptance of empty containers. It has come to our attention that the rules set forth by   
DOT (49 CFR 173.29 pages 380-381) and by the EPA (40 CFR 261-7), have confused some in regard to the shipping of   
empty containers. SUPERIOR TOTE SOLUTIONS, herein known as STS, has taken action here at our facility to make sure our employees are trained properly in regard to what is acceptable and what is not acceptable for an empty container.

In a move to better understand the meanings behind the above regulations, we have distributed the EPA explanation   
(included below) to our entire facility. STS wanted to take this time to contact our customers, so that not only are we   
protected but so that you (our customer) are protected as well.

EPA Explanation of the Empty Container Rule

(47 Fed.Reg. 36092, 36093)

It has come to our attention that individuals are reading the "and" at the end of paragraph §26 1. 7(b )(1 )(i) as "or" and therefore believe that the practice of leaving one inch of residue in a container qualifies the container as being empty, whether or not the container has been emptied of all of its contents by methods commonly employed to remove materials from that type of container, as specified in §261. 7(b)( 1 )(i). EPA emphatically states that this is not the case. When the two paragraphs §261. 7(b)( I )(i) and (ii) are properly read together, it should be clear that one inch of waste material is an overriding constraint and may remain in an empty container only if it *cannot be removed* by no [ sic] normal means. The rationale for this provision is that there are certain tars and other extremely viscous materials that will remain in the container even after the container is emptied by normal means. Rather than requiring the complete removal of these materials by extraordinary means, EPA is allowing up to an inch of such material to remain in a container. On the other hand, if extraordinary means are necessary to remove the waste to lower the contents of the container down to a depth of one inch, then they must be employed.

As the above explanation states a non-viscous material must be removed and the container must be drip dry. Below is   
some information in regard to the amounts left in a container.

* 1" of product left in a drum is 1.7 gallons of product left in the drum.
* 1" of product left in a tote is 7.5 gallons of product left in the tote.
* The 0.3 percent statement (Item C 40 CFR 261.7) using water (weight per gallon 8.34 lbs.) as an example.

330 Gallon Tote x 8.34 lbs.= 2752.2 lbs. x 0.3% = 8.25661bs (of product)/8.34Ibs =.99 gallons left in container   
275 Gallon Tote x 8.34 lbs.= 2293.5 lbs. x 0.3% = 6.88051bs (of product)/8.34Ibs =.825 gallons left in container

The other term that some have been confused about in the regulation is the term "rinsed". The regulation states that a   
hazardous container can be moved as non-hazardous if it has been "triple-rinsed". Rinsing the container cannot be done   
simply by rinsing it with water. To properly rinse a container, one must "triple rinse" the container with a solvent capable of   
removing the commercial chemical or the manufacturing chemical. Once the container has been "triple rinsed" then a   
sticker stating that fact can be placed on the container (over the hazardous placard) and moved as a non-hazardous   
container. The "triple-rinsed" sticker must be over the placard, or the container will have to be moved as a hazardous   
container.

STS is an Eco-friendlycompany, that strives to recondition totes in such a way that it is environmentally   
safe and friendly. Regarding the above regulations and laws, STS is working to make sure that we follow them   
exactly, so that all containers that are accepted at our facility fall within the acceptable parameters. Working within the   
parameters is not only a way to protect us here at STS, but also a way to protect you, our customers as well. Please   
remember that it is not the drivers or carrier’s responsibility to conform to these rules and regulations. The responsibility   
falls upon the company/person emptying the container and shipping the container.

We at STS strive to follow all the regulations, we would like to thank you for your understanding and help in meeting the above regulations.

